

SEP 08 2006

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PTO/SE/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/936,840
	Filing Date	January 7, 2002
	First Named Inventor	Damien ROSNEY et al.
	Group Art Unit	3731
	Examiner Name	Vi X. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	741890-18

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment /Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Three Month Extension of Time  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts/Incomplete Application  
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)  
☐ Drawing(s)  
☐ Declaration and Power of Attorney  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation  
☐ Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group  
☐ Other  
 1.

Remarks

☒ The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Tim L. Brackett, Jr., Reg. 36,092  
 Nixon Peabody LLP  
 401 9<sup>th</sup> Street, N.W.  
 Suite 900  
 Washington, D.C. 20004-2128

Signature

Date

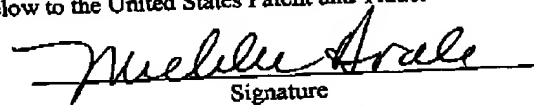
September 8, 2006

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September 8, 2006  
 Date

  
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 Michelle Duvall  
 Typed or printed name

# FEE TRANSMITTAL FOR FY 2005

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$60.00)

Complete (if known)

Application Number 09/936,840

Filing Date January 7, 2002

First Named Inventor Damien ROSNEY et al.

Examiner Name Vi X. Nguyen

Art Unit 3731

Attorney Docket No. 741890-18

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## FEE CALCULATION (continued)

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 19-2380 (741890-18)

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

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### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** = 0	0 X 0 = 0	0
Independent Claims	0	-3** = 0	0 X 0 = 0
Multiple Dependent		X 0 = 0	

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*\*or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	2053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1,100	2503	550	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$60.00)

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September 8, 2006

Date

Signature

Daniel S. Song

Typed or printed name

### SUBMITTED BY

Name (Print/Type)

Signature

Daniel S. Song

Registration No. (Attorney/Agent)

43,143

Complete (if applicable)

Telephone (202) 585-8000

Date

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SEP 08 2006

Attorney Docket No. 741890-18

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of	)
Damien ROSNEY et al.	)
Application No. 09/936,840	) Group Art Unit: 3734
Filed: January 7, 2002	) Examiner: Vi X. Nguyen
Confirmation No. 1494	) Dated: September 8, 2006
For: A SURGICAL ACCESS DEVICE	)

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Michelle Duvall

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

The following is presented in response to the Office Action mailed May 8, 2006, in connection with the above-identified patent application.